

## UNITED STATES DISTRICT COURT

for the  
District of Arizona

In the Matter of the Search of

*(Briefly Describe the property to be searched or identify the person by name and address)***Cordel Benson, Date of Birth: XX/XX/1994**

Case No. 23-04268 MB

**SEARCH AND SEIZURE WARRANT**

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the District of Arizona.  
(identify the person or describe the property to be searched and give its location):

**As further described in Attachment A.**

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized):

**As set forth in Attachment B.**

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before October 20, 2023.  
*(not to exceed 14 days)*

☒ in the daytime 6:00 a.m. to 10 p.m.☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge.

Any U.S. Magistrate on duty in Arizona \_\_\_\_\_.  
*(name)*

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized *(check the appropriate box)*

☐ for \_\_\_\_\_ days *(not to exceed 30)*☐ until, the facts justifying, the later specific date of \_\_\_\_\_.

Date and time issued: \_\_\_\_\_

**Camille D Bibles** Digitally signed by Camille D Bibles  
Date: 2023.10.06 14:18:57 -07'00'

*Judge's signature*City and State: Flagstaff, ArizonaHonorable Camille D. Bibles, U.S. Magistrate Judge*Printed name and title*

**ATTACHMENT A**

**DESCRIPTION OF PERSON TO BE SEARCHED**

Name: Cordel Benson

Date of Birth: XX/XX/1994

**ATTACHMENT B**

**ITEMS TO BE SEIZED**

- 1) Evidence in the form of deoxyribonucleic acid (“DNA”) to be obtained from CORDEL BENSON through cotton/buccal swabs in the mouth.
- 2) Evidence in the form of fingerprints and palm prints to be obtained from CORDEL BENSON through inking the left and right hands and rolling the hand onto paper for fingerprints and palm prints.

## UNITED STATES DISTRICT COURT

for the  
District of Arizona

In the Matter of the Search of

*(Briefly Describe the property to be searched or identify the person by name and address)***Cordel Benson, Date of Birth: XX/XX/1994**

Case No. 23-04268 MB

**ELECTRONICALLY SUBMITTED APPLICATION FOR A SEARCH WARRANT**

I, Jamie Kootswatewa, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

**As further described in Attachment A.**

Located in the District of Arizona, there is now concealed *(identify the person or describe the property to be seized)*:

The person or property to be searched, described above, is believed to conceal *(identify the person or describe the property to be seized)*:

**As set forth in Attachment B.**

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;  
☐ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code/Section	Offense Description
18 U.S.C. §§ 1153, 113(a)(3)	Assault with a Dangerous Weapon
18 U.S.C. § 924(c)(1)(A)	Use of a Firearm During and in Relation to a Crime of Violence

**The application is based on the facts contained in the attached affidavit of BIA Special Agent Jamie Kootswatewa, which is incorporated herein by reference.**

☒ Continued on the attached sheet.

☐ Delayed notice of \_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Reviewed by AUSA Tracy Van Buskirk 

*Telephonically sworn*

Date and time issued: \_\_\_\_\_

City and State: Flagstaff, Arizona

**JAMIE KOOTSWATEWA**

Digitally signed by JAMIE  
KOOTSWATEWA  
Date: 2023.10.06 13:01:46 -07'00'

*Applicant's Signature*

Jamie Kootswatewa, BIA Special Agent  
**Camille D Bibles**

Digitally signed by Camille D  
Bibles  
Date: 2023.10.06 14:18:39 -07'00'

*Judge's signature*

Honorable Camille D. Bibles, U.S. Magistrate Judge

**ATTACHMENT A**

**DESCRIPTION OF PERSON TO BE SEARCHED**

Name: Cordel Benson

Date of Birth: XX/XX/1994

**ATTACHMENT B**

**ITEMS TO BE SEIZED**

- 1) Evidence in the form of deoxyribonucleic acid (“DNA”) to be obtained from CORDEL BENSON through cotton/buccal swabs in the mouth.
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UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

**ELECTRONICALLY SUBMITTED AFFIDAVIT IN SUPPORT OF**  
**A SEARCH WARRANT**

I, BIA Special Agent Jamie Kootswatwa, state under oath as follows:

1. I have been employed as a Special Agent (SA) of the Bureau of Indian Affairs (BIA) since December 2007, and I am currently assigned to the Hopi Agency. I am charged with the investigation of crimes occurring within (among other places) the boundaries of the Hopi Indian Reservation in the District of Arizona. As a SA of the BIA, I am an “investigative or law enforcement officer” within the meaning of 18 U.S.C. § 2510(7), that is, I am an officer of the United States who is authorized by law to conduct investigations of, and make arrests for, offenses enumerated in Title 18. In the course of my official duties, I am charged with the investigation of major crimes occurring on the Hopi Indian Reservation within the District of Arizona. I know that the Hopi Indian Tribe is a federally recognized tribe.

2. The information contained in this affidavit comes from my personal observations, my training and experience, and information obtained from other agents, officers, and witnesses.

3. Because this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included every fact known to me concerning this investigation.

**INTRODUCTION**

4. The facts of this case, as more fully detailed herein, on September 30, 2023, within the confines of the Hopi Indian Reservation, within the District of Arizona, CORDEL BENSON (“BENSON”), an Indian male, Date of Birth: XX/XX/1994, Social Security Number: XXX-XX-6817, violated federal law by committing Assault with a Dangerous Weapon, in violation of Title 18, United States Code, Sections 1153, 113(a)(3) and Use of a Firearm During and in Relation to

a Crime of Violence, in violation of Title 18, United States Code (U.S.C.), Section 924(c)(1)(A). On October 1, 2023, United States Magistrate Judge Camille D. Bibles authorized a complaint charging BENSON with those offenses (case number CR 23-4261 MJ CDB).

5. This affidavit supports the application for a search warrant authorizing the search of Cordel for evidence in the form of deoxyribonucleic acid (“DNA”), fingerprints and palm prints located in and on BENSON’s body. There is probable cause to believe that evidence of the above-listed crimes is located in and on the body of BENSON. Accordingly, this application requests authority to search BENSON as described in **Attachment A**, for evidence of these crimes as described in **Attachment B**.

#### **INVESTIGATION/PROBABLE CAUSE**

6. On September 30, 2023, Hopi Law Enforcement Services (HLES) Police Sergeant Glenn Singer contacted your Affiant reporting an officer involved shooting at the Village of Sichomovi on First Mesa, Arizona. Further investigation revealed that HLES Officer T.P. was shot with a shotgun at close range by BENSON while investigating a disturbance incident. The close range shot struck Officer T.P. in the chest area of his ballistic vest and issued duty equipment preventing penetration into his body by the shotgun round. Officer T.P. was transported to Hopi Health Care Center for medical attention as a result of being shot. The shooting took place within the confines of the Hopi Reservation, in the District of Arizona.

7. On October 1, 2023, your Affiant interviewed HLES Officer T.P. along with FBI SA Brian McGrew. Officer T.P. indicated he was investigating a possible break in at a private residence at Sichomovi village. Officer T.P. was in uniform and drove a marked police vehicle. During the course of the disturbance investigation, Officer T.P. arrested a female that was attempting to break into the residence. While speaking with the residence owner about the attempted break in, someone began throwing rocks in his direction. Officer T.P. went to identify who was throwing rocks. As he walked around a corner leading to an alley, he saw BENSON sitting in a chair. Before Officer T.P. could ask BENSON to identify himself, BENSON shot Officer T.P. with a .410 shotgun in the chest.



8. Officer T.P. felt the gunshot strike his ballistic vest and he was knocked backwards. The gunshot caused Officer T.P. to take a few steps back. Officer T.P. observed BENSON raising the gun in his direction for a second time. Officer T.P. feared being shot a second time and drew his department issued .40 caliber Glock pistol. In fear for his life, Officer T.P. fired his duty pistol at BENSON. BENSON fled on foot with the shotgun and Officer T.P. pursued BENSON.

9. Officer T.P. discovered BENSON on the ground with the shotgun near him. It was apparent that Officer T.P. had hit BENSON when he fired his pistol. Officer T.P. secured the shotgun and handcuffed BENSON. Officer T.P. ran back to his patrol vehicle and grabbed his first aid kit. Officer T.P. then rendered first aid to BENSON while Emergency Medical Services responded to his location.

10. On September 30, 2023, your Affiant and FBI SA Brian McGrew conducted an interview with J.M. who saw the shooting of Officer T.P. J.M. indicated he was the person who called HLES to report the female attempting to break into a private residence. J.M. stated he noticed Officer T.P. arrest the female attempting to break into the residence. J.M. observed the officer walk to the alley where BENSON was sitting in a chair. J.M. saw BENSON shoot Officer T.P. without warning and saw the flash from the muzzle along with the sound of the gunshot.

11. J.M. saw Officer T.P. go backwards a few steps after being shot and noticed Officer T.P. draw his gun and shoot back at BENSON who was still holding the gun. J.M. saw BENSON run into the alley with the gun in hands and went to check on the officer. J.M. made contact with Officer T.P. and assisted however he could until Sergeant Singer arrived on scene. J.M. returned back home.

12. On September 30, 2023, BENSON was transported from the scene to Hopi Health Care Center for initial medical treatment. He was later transferred to Flagstaff Medical Center for additional medical treatment. At the drafting of this affidavit on October 6, 2023, BENSON remains in Flagstaff Medical Center.

13. On October 1, 2023, FBI Special Agents attempted to speak with BENSON at the hospital, but he was non-responsive due to medications.

14. During the investigation, your Affiant obtained information from BIA Peach Springs Dispatch that reflect BENSON is an enrolled member of the Hualapai Tribe.

15. A DNA standard and fingerprints from BENSON are needed to compare to the shotgun and other evidence collected at the scene. The FBI Laboratory will perform the forensic comparisons.

#### **ITEMS TO BE SEARCHED FOR AND SEIZED**

16. Accordingly, your Affiant respectfully requests that a search warrant be issued authorizing the search and seizure of DNA to be obtained from BENSON for the reasons stated above. Process of collection will be limited to the seizure of a DNA standard by the use of buccal swabs. Method of collection will be oral, that is, by inserting the buccal swabs into BENSON's mouth for the purpose of collecting saliva and cheek cells.

17. Additional evidence in the form of fingerprints and palm prints to be obtained from BENSON through inking the left and right hands and rolling the hand onto paper for fingerprints and palm prints.

#### **CONCLUSION**

18. Based on this information in this affidavit, your Affiant respectfully submits there is probable cause to believe that evidence described in **Attachment B** supporting an investigation related to violations of 18 U.S.C. §§ 1153, 113(a)(3) and 924(c)(1)(A) will be discovered on BENSON as described in **Attachment A**.

19. This affidavit was sworn telephonically before a United States Magistrate Judge legally authorized to administer an oath for that purpose.

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20. Pursuant to 28 U.S.C. § 1746(2), I declare that the foregoing is true and correct to the best of my knowledge and belief.

JAMIE

KOOTSWATEWA

Digitally signed by JAMIE  
KOOTSWATEWA  
Date: 2023.10.06 13:31:19 -07'00'

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Special Agent Jamie Kootswatewa  
Bureau of Indian Affairs

Telephonically sworn this \_\_\_\_\_ day of October, 2023.

Camille D  
Bibles

Digitally signed by  
Camille D Bibles  
Date: 2023.10.06  
14:18:15 -07'00'

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HONORABLE CAMILLE D. BIBLES  
United States Magistrate Judge